IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
HON'BLE SRI JUSTICE C.V.RAMULU

WRIT APPEAL No.1447 of 2004

C.R.P.No.3892 of 2003 &

C.R.P.No.3618 of 2003

Writ Appeal No.1447 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 16/08/2001 in WP No.16917 OF 2001 on the file of the High Court.)

Between:

1 The Government of A.P.,

rep., by its Secretary, Irrigation & Command Area Development,
Secretariat Buildings, Hyderabad.

2 The Special Deputy Collector, (Land Acquisition),

Srisailam Project,
Kurnool.

3 The Commissioner of Land Revenue,

Government of A.P.,

Nampally Station Road,
Hyderabad.

..... APPELLANTS

AND

1. P.Venkatarami Reddy,

S/o Papi Reddy,
R/o Kokkerancha Village,

Atmakur Taluq, Kurnool District.

2 D.Sivarami Reddy,

S/o Siva Reddy,
R/o Kokkerancha Village,

Atmakur Taluq, Kurnool District.

3 Abdul Shukur Saheb,

S/o Hussain Miya,
R/o Kokkerancha Village,

Atmakur Taluq, Kurnool District.

4 Molla Ibrahim Miya,

S/o Hussain Miya,
R/o Kokkerancha Village,

Atmakur Taluq, Kurnool District.

5 Marri Gopal Reddy,

S/o Sanjeev Reddy,
R/o Kokkerancha Village,

Atmakur Taluq, Kurnool District.

6 Marri Venkata Chalama Reddy,

S/o Sanjeeva Reddy,
R/o Kokkerancha Village,

Atmakur Taluq, Kurnool District.

7 Marri Venkata Konda Reddy,

S/o Sanjeeva Reddy,
R/o Kokkerancha Village,

Atmakur Taluq, Kurnool District.

8 Marri Venkata Krishna Reddy,

S/o Sanjeeva Reddy,
R/o Kokkerancha Village,

Atmakur Taluq, Kurnool District.

.....RESPONDENTS

(Respondents 1, 3 to 8 are not necessary parties to this Writ Appeal)

Counsel for the Appellant :Govt. Pleader for Land Acquisition

Counsel for the Respondents : Sri C.PRAKASH REDDY

CIVIL REVISION PETITION No.3618 of 2003

(Petition under Section 115 of CPC., against the order dated 24-01-2003 in I.A.No.144 of 2002 in O.P.No.132 of 1980 on the file of Court of the Principal Senior Civil Judge, Kurnool.)

Between:

Mr.D.Sivarami Reddy,

S/o.D.Siva Reddy
Mr.D.Sivarami Reddy,

R/o.Thummalaur (V),
Pamulapade (M),

KURNOOL DISTRICT

..... PETITIONER

AND

The Special Deputy Collector,

Srisailam Project,
Kurnool District.

.....RESPONDENT

Counsel for the Petitioner : Sri B.D.MAHESWARA REDDY

Counsel for the Respondent : Govt. Pleaders for Land Acquisition and

Arbitration

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CIVIL REVISION PETITION No.3892 of 2003

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Petition under Section 115 of CPC., against the order dated 24-01-2003 in I.A.No.144 of 2002 in O.P.No.132 of 1980 on the file of Court of Principal Senior Civil Judge, Kurnool.

Between:

D.Sivarami Reddy

S/o.D.Siva Reddy
R/o.Thummalaur (V),
Pamulapadu (M),

KURNOOL DISTRICT.

..... PETITIONER

AND

The Special Deputy Collector,

Srisailam Project,
KURNOOL DISTRICT.

.....RESPONDENT

Counsel for the Petitioner : Sri B.D.MAHESWARA REDDY

Counsel for the Respondent : Govt. Pleader for Land Acquisition & Arbitration.

The Court made the following :

COMMON JUDGMENT: (Per Hon'ble the Chief Justice)

Challenge in the writ appeal is to the order passed in W.P.No.16917 of 2001 dated 16-08-2001 and the consequential orders passed as a result of the directions issued in the writ petition only qua one of the writ petitioners who has been arrayed as respondent No.2 namely D.Sivarami Reddy, Son of Siva Reddy, R/o Kokkerancha village, Atmakur Taluq, Kurnool district.

It is alleged in appeal that D.Sivarami Reddy had already accepted the entire amount of compensation payable to him including the enhanced compensation. Suppressing this fact, he got himself impleaded as one of the petitioners (Petitioner No.2 in W.P.No.16917 of 2001). The said writ petition was disposed of by the learned single Judge with direction that settled amount be deposited within three months from the date of receipt of that order. Though the appellants deposited the amount, it was brought to the notice of the Executing Court that insofar as D.Sivarami Reddy is concerned, he had already received amount of compensation and was not entitled to withdraw any amount. Amount deposited for other writ petitioners was disbursed to them, but the application for withdrawal of amount by

D.Sivarami Reddy was rejected by the reference court against which C.R.P.Nos.3618 and 3892 of 2003 have been filed and the same have also been taken up for consideration by us.

There is no denying fact that D.Sivarami Reddy had already received the amount including the enhanced amount of compensation and was not entitled to any further amount when writ petition was filed suppressing the facts and orders were secured even qua him. Appellants complied with the direction of the court, but raised objection before Executing Court and the Executing Court rightly declined to release the amount to D.Sivarami Reddy. Direction should not have been issued for the amount qua the second respondent D.Sivarami Reddy. In this view of the matter, we allow the appeal and set aside the order passed by the learned single Judge insofar as it pertains to D.Sivarami Reddy and dismiss his writ petition. Consequently, C.R.P.Nos.3618 and 3892 of 2003 are also dismissed. It is further directed that the amount deposited by the appellants relating to the second respondent – D.Sivarami Reddy will be returned by the Executing Court to the appellants.

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DEVINDER GUPTA, C.J.

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C.V.RAMULU, J

30-09-2004

bsc

To

1. The Secretary,

Irrigation & Command Area Development,
Government of A.P.,

Secretariat Buildings, Hyderabad.

2 The Special Deputy Collector, (Land Acquisition),

Srisailam Project,
Kurnool.

3 The Commissioner of Land Revenue,

Government of A.P.,

Nampally Station Road,
Hyderabad.

4 2 CCs each to Govt. Pleaders for Land Acquisition and Arbitration,

High Court buildings, Hyderabad (OUT)

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